

# ZONING ORDINANCE CHANGE PETITION REVIEW REPORT

**Petition Number:** Z14-03

**Petitioner:** Edward Kohn for  
Greenberg Development, LLC  
15563 Manchester Rd.  
Ballwin, MO, 63011  
636-227-9801 #22

**Agent:** None

**Project Name:** Farber Center Plan Amendment

**Location:** 15567 - 15587 Manchester Rd.

**Petition Date:** 6/19/14

**Review Date:** 6/12/14 & 8/15/14

**Requested Action:** SUE Site Plan Amendment (Add  
Manchester Rd. Revitalization Overlay  
Zoning)

**Code Section:** Zoning Ordinance, Article XIIC, XIV, XXIII

**Existing Land Use/Zoning:** Retail / C-1 – Retail / MRD

**Surrounding Land Use/Zoning:** West – Ellisville Retail/ C-3  
South – Ellisville Retail / C-3  
East – Ballwin Retail / C-1  
North – Ballwin Single Family / R-1

**Plan Designation:** Commercial, Manchester Rd.  
Revitalization

## Proposal Description:

Greenberg Development, LLC is requesting the application of a Manchester Road Revitalization Overlay district over an existing C-1 commercial zoning for the approximately 1.29 acre site commonly known as 15567 – 15587 Manchester Rd. There is an existing special use exception granted per ordinance 01-17 in 2001 for this underlying site. The site development plan associated with this SUE will be amended through the MRD approval process. The site plan amendment proposes the addition of a curb cut onto Highview Dr. for the parking lot facing on Manchester Rd., the creation of an outdoor patio area in the Highview Rd. front yard adjacent to the building and the placement of a storage building adjacent to the dumpster enclosure in the rear yard. There will be no increase in building area and no increase in parking demands for the site. The construction of the second curb cut will reduce the parking capacity of the front lot by 4 spaces. The constriction of the new

cut and the patio space will increase the pervious surface area of the site and thereby increase, slightly, the runoff characteristics of the site.

This 1.29 acre site is surrounded on 3 sides by commercial zoning. Single family residential zoning abuts the fourth (rear) side of the development. The Bedroom Store located in Ellisville abuts the site to the west making the west property line of this site the city limits line shared by Ballwin and Ellisville. The West County Honda Dealership, also in Ellisville, is across Manchester Rd. to the south of the site. At this location Manchester Rd. is the dividing line separating Ballwin and Ellisville. Gordon Plaza is across Highview Dr. to the east and is located in Ballwin. The site adjoins an R-1 zoned single family residence to the north. This too is located in Ballwin.

This site sits at the northwest quadrant of the intersection of Highview Dr. and Manchester Rd. The site is rectangular in shape with approximately 200 feet of Manchester Rd. frontage and has approximately 282 feet of frontage along Highview Dr.

The entire site drains toward the rear parking lot. The underground detention facility, dating to 2001 when Farber Center was built, collects all runoff from the site and directs it into the storm water drainage system built through Westridge subdivision. Flows in that system ultimately enter Fishpot Creek, which in turn flows into the Meramec River near Valley Park. The highest point of the site is along Manchester Rd. The lowest point of the site is at the northeast corner of the property at the inlet to the detention facility.

The existing two story building, located in the west central portion of the site, has a footprint of approximately 10,165 square feet and a total floor area of approximately 17,400 square feet. It will be retained and continue to be utilized.

***A revised site development plan was submitted on 8/15/14. This report has been amended in accordance with that submittal.***

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#### **PLANNING AND PLAN REVIEW CONSIDERATIONS:**

*This review report covers the C-1 Commercial district, the SUE and the Manchester Road Revitalization Overlay District (MRD) zoning district regulations. This petition had been submitted to utilize the existing C-1 Commercial zoning for this site as the underlying zoning for the MRD. Although the C-1 zoning is in place, the existing site will be slightly modified to accommodate the proposed new development, so establishment of the MRD and reviews of the new site development plan per the current C-1 district, the current SUE regulations and the MRD are necessary. The nature of the MRD is such that it must be considered jointly with the regulations of an underlying zoning district. The MRD can amend the provisions of the underlying zoning district such that only the passage of the MRD Governing Ordinance will be necessary to approve the site development plan. A separate ordinance approving the C-1 or a special use exception site development plan is not needed.*

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#### **C-1 DISTRICT REGULATIONS:**

This proposal entails amending the site development plans of a relatively small commercially zoned site. The MRD overlay allows more flexibility in site development than does the C-1 district and the SUE regulations, but it can also impose more stringent or extensive site development requirements than the underlying zoning districts depending, to some degree, upon the site development plan. Although the MRD regulations may supersede or amend the requirements of the C-1 district, any regulation not superseded or amended will still apply. The C-1 district issues with the site are as follows:

1. Article IX, Section 2 identifies a list of uses that are allowed by right in the C-1 district. Article XIV of the zoning ordinance establishes additional uses that are allowed by special use exception in the C-1 district.

**The MRD Governing Ordinance will include a listing of the only uses allowed in this amended development plan. These may only be drawn from the uses allowed by right or by special use exception in the C-1 district or the SUE regulations. The issue of allowed uses is discussed more thoroughly in the MRD section of this report.**

2. Article IX, Section 3 limits the height of structures to a maximum of 45 feet. No change to the building is proposed as a part of this site plan amendment so the 45' height limit of the C-1 District that was also in place in 2001 should be maintained.
3. Article IX, Section 4. (1) (i) requires buildings fronting on Manchester Rd. to have a minimum setback of 60'. The proposed building meets this requirement and will not be changed as a part of this petition.
4. Article IX, Section 4. (1) (ii) only applies to properties fronting on the south side of Orchard Lane and does not apply to this petition.
5. Article IX, Section 4. (1) (iii) is not a requirement. It is permissive and allows the developer of properties fronting on Manchester Rd. to have front yard setbacks as small as 20 feet for as much as 75% of the roadway frontage if the small front yard areas are utilized for pedestrian circulation and landscaping. This provision of the ordinance was not utilized for this existing site development plan and is not proposed to be used in the amended plan.
6. Article IX, Section 4. (1) (iv) requires the provision of a 10' deep landscaped area along all roadway frontages of the site. The submitted plan appears to meet this requirement for both the Manchester Rd. and Highview Dr. frontages.
7. Article IX, Section 4. (2) requires landscaped "side" yards of 25' depth where commercial sites abut residential uses or residential or recreational zoning classifications in a side yard configuration. This design parameter does not apply to this petition.
8. Article IX, Section 4. (3): The section requires the establishment of a 25' rear yard. This requirement was met in the current site development plan and will not be changed with

the proposed amendment.

9. Article IX, Section 4. (3) (i). This subsection addresses rear yards where they abut non-commercial zoning. It is therefore applicable to this site plan. This section requires the 25' deep rear yard to be fully landscaped and free of structures and improvements. The rear yard of this site was compliant with this requirement when it was originally developed and will not be changed as a part of this amendment.
10. Article IX, Section 4. (3) (ii, iii and iv) do not apply to this petition.
11. Article IX, Section 4. (4) does not apply to this petition.
12. Article IX, Section 5. (1) requires the provision of parking in accordance with the provisions of Article XV. The parking shown on the amended plan does not appear to meet the requirements of the C-1 district. The original plan had 87 spaces which is exactly the minimum number required for this building of 17,400 sq. ft. of gross floor area. The proposed amendment eliminates 4 spaces so the amended plan is noncompliant with the requirements of this subsection. **The MRD governing ordinance can amend this requirement. This will be discussed in more detail in the MRD section of this report.**
13. Article IX, Section 5. (2) allows a parking reduction in exchange for more landscaping on sites with buildings in excess of 100,000 square feet of floor area. The development is not large enough to qualify for this parking adjustment.
14. Article IX, Section 6. requires the submission of the site development plan to MoDOT for its review. Since the curb cut onto Manchester Rd. will not be modified or moved there is no reason to subject this petition to MoDOT review and comment.
15. Article IX, Section 7. (1) requires that the minimum spacing of curb cuts be 500' between centerlines. The existing site development plan does not meet this requirement and the creation of an additional curb cut further takes the site development plan out of compliance with this requirement. **Regulations of the C-1 district can be amended by the MRD governing ordinance.**

**This regulation is directly related to the central reason for the petition and the issue of access management along Manchester Rd. The high speed and volume of traffic on Manchester Rd. combined with frequent curb cuts introduces numerous conflict points along the roadway. Conflict points and slow speed introduce opportunities for vehicular crashes and generally decrease the efficiency of the roadway from both capacity and property access perspectives. Spacing curb cuts farther apart minimizes these issues. This is less of an issue on adjoining low volume side streets like Highview Dr., but the regulation applies there as well. Given the very low volume of traffic on Highview Dr., I do not see that adding an additional curb cut will be harmful to that roadway's operation and the elimination of some of the traffic that is now required to utilize the Manchester Rd. curb cut will only serve to improve the situation at that curb cut too. This minimum curb cut spacing can be waived in the MRD Governing ordinance.**

16. Article IX, Section 7. (2) requires the construction of a 6' wide sidewalk along Manchester Rd. This sidewalk was built as a part of the construction of the plaza in 2001.

17. Article IX, Section 7. (3) requires that a cross access, driveway/parking lot vehicular interconnection easement be established to provide for future parking lot connections to the adjoining properties. No such easement is necessary to the north due to the presence of residential land uses in that direction. **There is, however, the possibility of a parking lot interconnection or shared single curb cut with the business to the west at some point in the future. For this reason, I believe an interconnection between the two parking lots should be pursued by the petitioner. If that is not possible, a cross access and parking lot interconnection easement running 50' deep from the Manchester Rd right-of-way line and from the east side of the Manchester Rd. curb cut to the west property line should be granted to Ballwin to allow a future parking lot interconnection or shared curb cut at such time as the adjoining property is redeveloped. This petition meets the requirements of this subsection for establishing a parking lot interconnection or the recording of such and easement unless the requirement is waived by the Board of Aldermen.**

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#### **SUE Regulations (Article XIV):**

1. Sec.1 (1) (14) front yard parking is only allowed by special use exception (SUE) in the C-1 zoning district. The front yard parking SUE use will not change as a result of this proposed site plan amendment, but will be added as an allowed use under this MRD Governing Ordinance.

2. Sec. 2 (1) *Minimum Yard Requirements*: The minimum yard requirements of the C-1 District continue to be met with the amended site plan.

3. Sec. 2 (2) *Site Illumination*: No change to the site illumination plan has been proposed as a part of this plan amendment.

4. Sec. 2 (3) *Greenery and Planting*: **the landscaping on the site today substantially meets the requirements of the original landscaping plan that was put in place in 2001 when the plaza was built. The MRD imposes its own landscaping requirements which also appear to be substantially met. This issue is thoroughly discussed with recommendations in the MRD review section.**

5. Sec. 2 (4) *Fencing*: There is some limited fencing on the site and no changes are proposed.

6. Sec 2 (5) *Parking*: This proposed parking is not consistent with the C-1 district or SUE guidelines. **This issue is discussed with recommendations in the MRD review section.**

7. Sec. 2 (6) *Pavement*: The ordinance requires that all pavements be built in a

manner that meets Ballwin code. This will be reviewed in conjunction with the submission of an excavation permit for the curb cut during construction.

8. *Sec 2 (7) Storm water runoff control:* **No significant changes to the runoff characteristics of the site are anticipated to result from this site plan amendment so no changes to the detention facilities seem to be necessary under Ballwin's regulations. MSD has conducted a preliminary review of the site plan and determined that no changes to the detention facilities are necessary under its regulations. Additionally, MSD has determined that no water quality improvements are necessary for the proposed site plan changes.**

9. *Sec. 2 (8) Loading docks and facilities:* No change to the loading facilities is proposed as a part of this plan amendment.

10. *Sec. 2 (9) Ingress and Egress:* **This issue is fundamental to the primary reason for this plan amendment. The petitioner wishes to establish a driveway connection between the front parking lot and Highview Dr. This will allow local traffic to access the site without having to enter Manchester Rd. I believe that this should be viewed as a positive step toward access management along Manchester Rd. As stated earlier in this report, the traffic volume along Highview Dr. is not significant, so I do not view the addition of a front parking lot curb cut as problematic for traffic flows along that roadway. Manchester Rd. efficiencies can only improve from the reduction of turning movements and traffic volume.**

11. *Sec. 2 (10) Adequate area for the use:* I see no basis for an argument that there is not sufficient room on the site to accommodate the intended use in the revised site development plan.

12. *Sec. 2 (11) Dead storage, dismantling and repair of automobiles:* This is regulated by on-going enforcement activities on a case by case basis as needed.

13. *Sec. 2 (12) Rubbish and trash disposal and screening:* The screened dumpster enclosure will not be changed as a result of the site plan amendment.

14. *Sec 4 (6) (1) Increase traffic hazards:* **The traffic generation of this plaza is well understood and not generally problematic for these segments of Manchester Rd. and Highview Dr. There are no major traffic generators in this plaza. The site plan amendment will not change the tenant mix, the leasable area of the plaza or the overall traffic generation. It may alter, somewhat, the flows of traffic by taking some off of Manchester Rd. and putting some onto Highview Dr. Gordon Plaza, which is about twice as big a Farber Center, has curb cuts onto Highview Dr. and Hillsdale Dr. It has a tenant composition which is similar to that of Farber Center, and it does not generate any significant traffic volumes or congestion on either of the adjacent side streets. I believe it is a good model, for comparison purposes, for the minor impact that the new curb cut will have on Highview Dr traffic.**

15. *Sec 4 (6) (2) Neighborhood character impact:* **This plaza is very much in keeping with the character of commercial developments in the area, so the impact of this project on the surrounding commercial neighborhood is not likely**

to be significant or unusual by Ballwin standards. As mentioned above, Gordon Plaza has a similar curb cut onto Highview Dr. with nominal impact on that roadway or the surrounding residential neighborhood. The character of Farber Center will not be significantly changed as a result of the proposed site plan amendment. Little direct impact would be expected on the residential neighborhood than that generated by the existing commercial uses and traffic volumes already existing in the area. I do not see any evidence supporting the position that this site plan amendment would have a significant negative impact on the surrounding neighborhoods.

16. Sec. 4 (6) (3) *Community general welfare impact*: The issues discussed above as a part of the neighborhood character impact and the traffic hazards question fall into this category as well. As stated earlier in this report, the nature of this plaza will not be changing significantly as a result of the proposed site plan amendment. The total leasable area and general activity levels are not expected to change at all. The only substantive change will be the redirection of some of the existing traffic utilizing the Manchester Rd. curb cut onto Highview Dr. I believe that this site development plan amendment will have nominal, if any, negative impact on the general welfare of the community.

17. Sec. 4 (6) (4) *Overtax public utilities*: I see no impact on public utilities resulting from this petition.

18. Sec. 4 (6) (5) *Adverse impacts on public health and safety*: Unless there is some unidentified or misunderstood element of this proposed plan amendment that will create or exacerbate a public health and safety hazard, I see no basis to support a conclusion that the development will have a significant negative impact on public health and safety.

19. Sec. 4 (6) (6) *Consistent with good planning practice*: Ballwin has previously allowed the establishment of commercial site development plans with access to side roads on similarly situated properties in proximity to residential and commercial developments. Several, such as Johnny Macs, Elco Chevrolet, Dirt Cheap, Lion's Choice and Gordon Plaza, have been in place for many years. **One can conclude that this kind of commercial site plan development, offering these kinds of features in this kind of a neighborhood, is considered good planning practice in Ballwin.**

20. Sec. 4 (6) (7) *Operated in a manner that is compatible with permitted uses in the district*: Insofar as this plaza is not changing fundamentally in its overall nature as the result of this petition, and that side street curb cuts are common throughout Ballwin, I do not see evidence supporting the position that this site development plan would be incompatible with permitted uses in the district.

21. Sec. 4(6) (8) *Operated in a manner that is visually compatible with the permitted uses in the surrounding area*. Owing to the fact that there will be virtually no change in the appearance of the site, there is no basis to support the position that this site development plan, as proposed, would not be visually compatible with permitted uses in the surrounding area. Nearby commercial areas have virtually the same uses and building character. The proximity of commercial

**buildings to single family residential uses in this development proposal is common in many places in Ballwin and the commercial buildings and uses contained therein appear to operate in a visually compatible manner.**

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### **MRD DISTRICT REGULATIONS (Article XIIC):**

The MRD (Manchester Road Revitalization Overlay District) cannot stand on its own. It works only as an overlay district amending and supplementing an underlying zoning district. The MRD may retain, amend or waive the regulations of the underlying district and the special use exception and subdivision ordinances, if applicable. With the exception of allowing multiple family uses in a mixed use configuration, the MRD cannot permit new uses on the property. The selection of the most appropriate uses from those allowed by right and by special use exception in the underlying zoning district is critical, because it will limit the uses permitted in the MRD district in the future. The uses proposed with this petition are commercial, so there is no reason to change the underlying C-1 zoning of the property. As mentioned above, the MRD may allow the waiver or modification of the regulations of the underlying district, but the governing ordinance that adopts the MRD must specifically outline and describe what those changes and waivers are. Any underlying district regulations not superseded or waived will still apply.

**Section 1, Purpose:** This section describes the purpose of the MRD district, which is "... to promote the local economy and mixed use development within the Manchester Road corridor while simultaneously maintaining the functional capacity of the highway." This section goes on to say that "The preferred land development pattern in the area will offer a pedestrian oriented development with a mix of residential and/or commercial uses that provide high quality services and amenities and that prolong and enhance the shopping, working and living experience. Special effort should be given to tenant mixes and the configuration of tenant spaces to maximize convenience, visibility and aesthetics."

**While evaluating an MRD development proposal, it is useful to keep in mind that the MRD is envisioned by the comprehensive plan and the zoning regulations as a district that will eventually encompass the entire Manchester Rd. corridor. The Purpose therefore is more likely to be fully realized on a corridor-wide basis than on a parcel by parcel basis. It may be difficult to apply every MRD regulation and guideline to the same standard on every individual parcel or in every development proposal. Parcels will typically be submitted for development and rezoning on an individual basis, but will eventually comprise a portion of the whole MRD as envisioned by the comprehensive plan. In a perfect world, every parcel will meet every nuance of every regulation spelled out in the ordinance, but, in reality, some parcels may more fully meet some elements of the ordinance than others and best meet the overarching intent of the Purpose statement as a part of the aggregate of all parcels comprising the corridor.**

**Section 2, Permitted Uses:** This section addresses permitted uses.

The petitioner has not specifically stated what uses are anticipated for this development beyond the existing tenants. Based upon the uses most commonly encountered in the strip



commercial centers in Ballwin, the following uses allowed by right in the C-1 district are recommended for inclusion in Farber Center Governing Ordinance:

- **Store for the indoor display and sale of new merchandise, including wholesale and retail sales and including the service and assembly thereof unless otherwise limited, or controlled or permitted by the ordinances of the City of Ballwin.**
- **Bakery for the production and sale at wholesale and retail of bakery goods provided that no less than 25% of the gross floor area of the space is utilized exclusively for retail sale on the premises.**
- **Barbershop, beauty, nail or tanning salon and similar personal grooming and hygiene uses but not including public baths, tattooing, body piercing, massage or similar uses.**
- **Massage therapist, providing the business produces proof of education and state licensing for all employed practitioners.**
- **Gym, exercise, fitness, dance and martial arts and similar facilities, both public and private, offering facilities, equipment, and classes for exercise, training, skill enhancement, fitness, weight loss and similar uses.**
- **Retail dyeing, dry cleaning or laundering provided that not more than five employees shall be engaged at any time on the premises in any processing use.**
- **Business offices.**
- **Professional offices, including consultation and treatment rooms and related indoor facilities and equipment.**
- **Veterinarian offices, hospitals/clinics for small animals and/or animal grooming, including treatment and consultation rooms and commonly related indoor facilities and equipment but not including outdoor kennels.**
- **Store for the sale at retail of live household pets and accessories, including pet grooming.**
- **Photographer, art gallery or artist or other similar studio.**
- **Store for the sale of used merchandise in conjunction with the sale of new merchandise, provided that the sale of used merchandise:**

**(1) is accessory and subordinate to the sale of new merchandise?**

**(2) is limited to a maximum of 25% of the gross floor area of the store, and**

**(3) is limited to 25% of the annual gross receipts of such store. The business shall provide proof of compliance with this requirement at the time of the annual business license renewal.**

- **Store for the sale of coins, stamps, baseball cards, comic books or similar small collectible items, including the sale of these items as used merchandise. This use does not include furniture, automobile or other large collectible items, the sale of which is either prohibited or regulated by other code provisions.**

The following uses allowed by special-use-exception in the C-1 district are also recommended for inclusion in the Farber Center Governing Ordinance:

- **Parking on a paved surface within any front yard for all uses allowed in the MRD Governing ordinance.**
- **Shop where food is served for consumption on the premises on which it is prepared or to be consumed at a place other than on the premises on which it is prepared. For the purposes of this ordinance, consumption on the premises on which prepared shall mean and include consumption in an exterior garden or sidewalk type dining area, provided, however that such exterior dining area is accessible to the building in which the food is prepared, is controlled by the business preparing the food and does not interfere with the intended use of the area occupied by such dining.**
- **Establishment for the distilling, brewing, preparation and/or sale of beverages containing alcohol of any kind by the drink for consumption on the premises where sold in the R-4 and C-1 districts.**

**Section 3, Intensity of Use:** This section discusses allowing relief from, or the amendment of, the regulations of the underlying zoning ordinance (C-1 district) and associated site development regulations. Such relief or amendment is allowed if the petitioner can demonstrate that it achieves the purposes of this ordinance and it is included in the governing ordinance or on the approved site development plan. Any regulation that is not waived or amended by the ordinance or the approved site development plan is still in effect. Additionally, the approval of the overlay district brings some regulations that supersede the underlying zoning. Any waiver of the provisions of the underlying ordinance are identified and discussed within the salient write up and are not relisted here.

**Section 4, Height Regulations:** This section states that “all development pursuant to MRD zoning that fronts Manchester Rd. shall include buildings with a minimum height of two (2) stories. This requirement may be reduced on a case by case basis for no more than 50% of the linear building frontage for all roadway fronting buildings in the development if the petitioner can demonstrate that the proposed buildings and site development plan are in accordance with Section 1 of this Article (Purpose) and achieve the purpose of this ordinance or that the existing buildings being incorporated into the plan are structurally incapable of having additional levels added.”

**The existing building does not meet this requirement, but I believe that this building**

is legally nonconforming relative to this regulation. It is an existing building that was legally built and continues to be lawfully occupied. No changes to the building are proposed as a part of this site plan amendment petition. In my view, it is not reasonable to require the building to be changed to comply with this regulation because of a minor change to a curb cut. Asking for an amended site development plan brings the MRD regulations into play, but it seems to me that these regulations need to be applied in a reasonable and proportionate manner. If the building were undergoing a substantial remodel, renovation or expansion, this regulation would be appropriate, but requiring a second floor on a building that is not in any way part of the site plan amendment is not, from my perspective, reasonable or proportionate to the requested change.

**Section 5, Parking and Loading Regulations:** This section establishes standards for the design, capacity and landscaping of parking facilities. No maximum or minimum parking standards are established. The ordinance clearly anticipates the possibility of a variation from the parking requirements of the underlying zoning district (C-1) via the MRD governing ordinance.

The petitioner has proposed a site development plan amendment that primarily changes the parking lot and green spaces of the site. **From the perspectives of reasonableness and proportionality that were discussed above, I believe that many elements of the MRD that impact the site plan design should be applied accordingly.**

The petitioner has proposed to build a curb cut onto Highview Dr. from the front parking lot. This will reduce the number of parking spaces accommodating the approximately 17,400 square feet of retail floor area on the site by four from 88 spaces to 84 spaces to. This is 3 spaces less than the 87 that would be required by the parking code for a retail building of this size. This corresponds to a yield of 4.82 spaces per thousand square feet of the floor area. The normal parking requirement would be 5 spaces per thousand square feet of floor area. **The elimination of four parking spaces will result in a 1.1% reduction from the parking requirements of the C-1 district. Owing to there having been no historical parking issues in this plaza, a reduction of this magnitude seems to be reasonable.**

*Section 5 (1):* On-street parking is recommended where site design and traffic patterns permit. Clearly, due to the nature of the adjoining roadways, on-street parking is not feasible for the adjoining roadways.

*Section 5 (2):* No waiver of ADA standards can be granted in the MRD. The parking lot in the amended plan proposes 84 parking spaces for customers and employees. The 4 accessible parking spaces meet the standard for a parking lot of this size.

*Section 5 (3):* This subsection specifies that the provided parking facilities shall be concentrated in areas that are landscaped and buffered to minimize view from major rights-of-way, residential units and adjoining properties. The term parking as defined in the Ballwin Code of Ordinances means the standing of a vehicle whether occupied or unoccupied (except when engaged in loading or unloading), so any facility intended for the standing of a vehicle is a parking facility. This means that all pavement on this site is a parking facility and subject to this requirement.

*Section 5 (4):* This subsection requires that parking not provided within a dedicated right-of-way shall be located behind the primary use, in a parking structure or on a surface lot. The proposed parking plan appears to meet the third recommendation.

Section 5 (5): This subsection requires perimeter landscaped buffers and curbed planting islands in all parking lots of 5 or more spaces. This site development plan requirement appears to have been met.

*Subsection 5 (6):* This subsection establishes two parking lot screening formulas one of which is to be utilized to screen adjoining rights-of-way, public lands or adjacent properties from parking lots. The first formula (a.) is a 12' deep (minimum) landscaped strip with 2" caliper deciduous trees and/or 6' evergreen trees on 50' centers with three 5 gallon shrubs per tree. The second formula (b.) is a 5' deep landscaped strip with a metal ornamental fence or masonry wall supplemented with clusters of 3 shrub (2 gallon size) plantings on 30' centers interspersed with 2" caliper trees on 50' centers or a continuous hedge with 2" caliper trees every 50'. **Due to the design of this site, the standards of this subsection apply around the entire perimeter of the site except where the building adjoins the property line along the west side.**

The original landscaping from the 2001 SUE site development plan provided a 10' wide landscaping buffer along the roadway frontages (east and south sides of the site), an approximately 8' wide landscaping space along the western side of the front parking lot, and much narrower (about 2' wide) green space adjacent to the rear parking lot in the rear of the building) and a 25' deep rear yard landscaped area along the north side of the site adjacent to the single family use on the adjoining lot in that area.

The only green space on the existing site that meets the MRD requirements is the 25' deep rear yard planting area adjacent to the single family use. This green space was planted extensively with trees and shrubs to provide screening to the adjacent house. These plantings have grown to the point that a substantial screen to this house is in place. This area meets the rear yard setback of the C-1 district and no changes are anticipated under the proposed site plan amendment. I believe that the rear yard green space is substantially compliant with the requirements of this subsection of the MRD and that it be retained in its present condition as proposed. **I recommend, however, that a tree be planted where the two large maple trees at the east end of this green space were originally to be retained but have subsequently been removed. Stumps remain to mark the original locations. There is a void in the screening at this location.**

None of the green spaces adjacent to the parking lots along the roadway frontages (Highview or Manchester) or the western property line along the Bedroom Store meet the "a" or "b" formula requirements for dimensions. These landscaped spaces are less than the 12' minimum dimension required by formula "a" and do not provide the fence screening of formula "b". They do, however, substantially meet the minimum planting standards of both formulas. Again, applying the parameters of reasonableness and proportionality discussed above, I believe that asking the petitioner to increase the width of the green spaces, which would require removing portions of the existing parking lot to meet the 12' width requirement of formula "a", would be excessive and not really add much to the site. I believe that a stronger case could be made to support Farber Center being brought into compliance with the fencing stipulated by formula "b". This would require the erection of a

decorative metal fence or stone wall along the entire frontage of the parking lot that is supported with a continuous hedge or clusters of 3 shrubs every 30' with trees on 50' centers, but this too would be very expensive and offer only a nominal return to the community.

The existing planting scheme from the 2001 SUE plan is substantially intact and now comprised of mostly mature specimens. The plantings from that plan come very close to meeting the planting requirements of formula "a" with 2" caliper trees on 50' centers and three 5 gallon size shrubs per tree. Given this near miss on the requirements of the MRD for parking lot screening, I believe that the present landscaping plan is reasonable and proportionate to the small change to the site development plan that is being requested and the minimum standards of the MRD ordinance. **I believe, however, that two changes to the planting plan are in order to achieve this interpretation of the ordinance.**

- **The dead tree at the southwest corner of the front parking lot should be replaced.**
- The revised plan provides for the two trees on 50' centers to be planted in the green space along the west edge of the front parking lot to match the plantings on the rest of the site. These trees should be chosen to be appropriate under the overhead utilities in this area. **These two trees should be supplemented with the planting of 6 5 gallon size shrubs in the same area.**

*Section 5 (7):* This subsection requires a minimum planting effort of one tree per 10 parking spaces. This standard appears to have been met in the submitted plans.

*Section 5 (8):* This subsection requires all planting areas within or adjacent to the parking lot or vehicular use areas to be irrigated. There is no evidence that the existing green spaces and beds benefit from an irrigation system, but the existing plantings are all in generally good condition. **I do not know that an irrigation system is necessary to assure their continued success. Perhaps a written assurance from the owner that the new plantings will be properly watered and maintained is sufficient to meet the requirements of this subsection. Maintenance of plantings and site improvements is a standard requirement of all SUE Ordinances, but it could also be incorporated into the MRD governing ordinance to give enforcement leverage if maintenance fails.**

*Section 5 (9):* This subsection requires a vertical concrete curb for all parking lot islands and landscaped areas that are not adjacent to rain gardens. This ordinance requirement appears to have been met.

*Section 5 (10):* This subsection requires tree plantings to be consistent with Ballwin standards for street tree plantings. They appear to meet this requirement.

*Section 5 (11):* **This subsection prohibits surface parking lots from abutting rights-of-way for more than 50% of a site's roadway frontage. The existing site development plan and the amended plan both fail to meet this requirement. I believe that the existing site is legally nonconforming relative to this requirement. This is a situation similar to what was faced by Elco Chevrolet when the building was expanded. The existing building was too close to the road and did not meet the minimum setback**

**requirement of the code. There was not reasonable way to bring the building into compliance with the regulation. The situation is similar for this site. If this were a new development, alternative site designs and facility arrangements could be explored, but the existence of the paving and building, which will be retained and utilized in the amended plan, makes that an alternative.**

*Section 5 (12):* This subsection requires parking lots to have no more than 20 consecutive parking spaces without an intervening landscaped area. The submitted plans appear to meet this requirement. This section also requires that parking fields be broken into subareas of not more than 100 spaces without being separated by landscaping spaces. The submitted plan has no parking fields of this size.

**Section 6, Setbacks:** This section establishes **maximum** building setbacks from the right-of-way for new buildings. The purpose of this approach to site design is to move away from the vehicle orientation of commercial development and the associated large front yard parking lots across the entire frontage of a site that have been common in the Manchester Rd. corridor since the 1960's. The MRD overlay district encourages new buildings to be sited with less visibly dominating parking lots in a manner that also promotes pedestrian oriented development and a sense of neighborhood in commercial developments.

*Section 6 (1):* This subsection recommends placing new structures at a maximum setback of 10' from the right-of-way line. The building does not meet this requirement. **I believe it is legally nonconforming relative to his issue.**

*Section 6 (2):* This subsection addresses building setbacks for infill sites. This is not an infill site and this subsection does not apply.

**Section 7, Pedestrian Access:** This subsection requires that pedestrian access be an integral part of the overall design of the site. Safe and convenient pedestrian access is to be provided throughout, to and from parking areas and shall connect when possible with abutting properties, developments and rights-of-way.

*Section 7 (1):* This subsection requires an identifiable entrance and a path of entry from the street. The existing site had such a sidewalk access to Highview Dr. This connection will be reconfigured as a part of the patio construction in the new site plan, but it will still be provided. **This new sidewalk, however, needs to be widened to a minimum of 6' in width as is required in subsection 7(2). The building code requires this sidewalk to meet all current ADA standards for width and slope. The submitted plan does not appear to meet these requirements.**

*Section 7 (2):* This subsection requires sidewalks at least 6' wide along all sides of parking lots that abut rights-of-way or major internal driveways. Also, a 6' sidewalk is to be provided from the public sidewalks to the entrance and to the parking lot sidewalks. **This sidewalk connects to the Highview Dr. sidewalk as required. The rows of spaces along Highview Dr. and Manchester Rd. are not served directly by a sidewalk, but the roadway sidewalks are in fairly close proximity. If the roadway sidewalks can be viewed as meeting the requirement of the subsection, the "all sides" requirement of this section is partly met. Ballwin made a similar determination in the previous Floor Trader and Ballwin Grove commercial developments.**

The parking spaces in the center of the main lot, the spaces along the west side of the main lot and the spaces along the north side of the rear lot are not directly served by a sidewalk, but I do not see a reasonable and proportionate way to do so that is productive to the overall site design and does not interfere with the green space requirement of the regulations. Modifying the existing functional site improvements to accommodate the additional sidewalks will disrupt mature landscaping or shrink the parking lot's capacity and is not likely to provide improvements that will be used.

*Section 7 (3):* This subsection requires that sidewalks be provided along any façade featuring customer entrances, abutting a parking area or a roadway. Such sidewalks shall be at least 12' wide. A 10' wide sidewalk is provided in front of the Manchester Rd. facing stores and a 4' wide sidewalk is provided in front of the rear facing office units. The wide sidewalks are intended to be used for tables and chairs for restaurants and sidewalk sale type activities. **I believe that the legal nonconformity of the plaza comes into play for this subsection. The plan amendment does not propose to change the building or the parking area in front of the building in any way. It would not be a simple task to widen the sidewalks to comply with this subsection. Doing so would cause a major disruption to the site and the businesses in the plaza. Furthermore, adding 2' to the front sidewalk would not significantly impact sidewalk sales activity in the plaza or dining table placements for the business in the front of the plaza. The rear businesses are primarily service and office uses. They will not commonly need sidewalk sale space or room for tables and chairs. It is also important to note that the amended plan will be creating a new patio area which negatively impacts the need for significant seating in front of the stores.**

**I believe that the existing sidewalk configuration is adequate to serve the intent of this ordinance and the needs of existing and future businesses in this plaza. Additionally, reasonableness and proportionality comes into play here as well. Given the addition of the patio space, how reasonable or proportionate would it be to require the cost and the disruption of the site to provide a 2' wider sidewalk?**

*Section 7 (4):* This subsection requires benches, fountains, artwork, shade structures, pavement enhancements, tables and chairs, illumination and similar amenities and placemaking features to enhance the pedestrian ways. The petitioner has proposed a patio area on the eastern edge of the site to provide substantial seating for restaurants in the plaza. **I recommend that the plan be expanded to show shade structures such as umbrellas and/or arbors, and additional planting areas in the patio as well as along the base of the wall forming the patio. I believe the proposed planting in this area is a bit on the skimpy side.**

**Section 8, Use Limitations:** This section outlines special use limitations related to certain specific possible land uses within an MRD.

*Section 8 (1):* This subsection prohibits the permanent outdoor storage, sale or display of merchandise, but allows temporary display and the permanent storage, display and sale if allowed by the permitted uses. No outdoor display, storage and sales are specifically

recommended to be allowed in section 2. The ASAP trailer is separately approved by a special use exception which will continue to be valid after the site plan is amended.

*Section 8 (2):* This subsection allows uses permitted by SUE in the underlying district pursuant to the POD/MRD process. The uses intended to be allowed in this development were listed in Section 2 of this report.

*Section 8 (3):* This subsection contains regulations governing drive-through facilities. No drive-through facilities are proposed.

*Section 8 (4):* This subsection contains regulations governing vehicle wash facilities. No vehicle wash facilities are proposed.

*Section 8(5):* This subsection requires that the submitted site plan is to clearly show curb cuts and on-site vehicle circulation patterns. I believe that this requirement has been addressed.

**Section 9, Architectural and Site Design Standards:** All new buildings and any building altered more than 50% is required to comply with the requirements of this section. Since no changes to the building are proposed as a part of this petition none of this section is applicable to this review.

**Section 10, Urban Design Elements:** These urban design guides are to be considered when reviewing any requested relief from the requirements of the underlying zoning.

*Section 10 (1):* This subsection states that edges (natural such as waterways and ridgelines and man-made such as roadways, fences and property lines) signaling and defining the transitions between adjoining land uses shall be used to help define a sense of place for commercial projects, functions and uses within and between developments. **As applied to this site, I believe this subsection applies to the landscaping and screening along the rear of the site adjacent to the single family residential use to establish and separate the different adjoining uses; and to enhance and screen the outdoor eating area. This patio improvement will be in place for a long time and may serve not only the existing restaurants, but expanded, reinvented and different future uses in the plaza as well. This needs to be an inviting, attractive and comfortable place, so screening and landscaping for the area should be provided as part of the site plan submittal.**

*Section 10 (2):* This subsection addresses streetscape amenities such as lighting, landscaping and pedestrian amenities within 10' of the right-of-way. The site plan never incorporated any such amenities into the roadway sidewalks. Such improvements were not required at the time of the plaza's original approval. **I recommend that a small visual art or landscape feature incorporating a bench or other pedestrian amenity be placed at the intersection of Manchester Rd. and Highview Dr. This does not need to be large. It can be sized to be accommodated within the green space available at this corner. A visual expression at this location will go a long way to meet the MRD and Great Streets plan for place making and landmarks or gateways along the Manchester Rd. corridor.**



*Section 10 (3):* This subsection requires the development of alternative access to the site from rear and side roadways. The main purpose for the submission of this petition is to provide alternate access from a side road.

*Section 10 (4):* This subsection discusses the utilization of access management techniques to interconnect the adjoining commercial properties, to allow future connections as adjoining properties are developed and to minimize access conflicts along Manchester Rd. **I believe that this site already addresses this issue. This was discussed in the C-1 district regulations.**

*Section 10 (5):* This subsection discusses multi-way roadways as a means of achieving access management. The Great Streets plan considered such a roadway configuration along Manchester Rd. and does not recommend it. There appears to be little basis to support this roadway design concept within the Manchester Road Revitalization Overlay District.

*Section 10 (6):* This section encourages but does not require multi story buildings. Since no change to the building is proposed this subsection is not applicable to this report.

***Section 10 (7):* This subsection addresses the landmark feature issue. This site is one of only seven in Ballwin that are called out in the comprehensive plan as prime candidates for the establishment of a landmark feature. This is also discussed in some detail in subsection 10(2) above. This site offers a fair amount of land at the intersection for the erection of a piece of art, fountain, significant landscape feature or similar monument to signal the entrance into Ballwin. The petitioner has proposed the placement of a bench with unspecified landscaping to meet this requirement. I believe that this is insufficient to rise to the level of being a landmark feature as specified in this ordinance. The bench and landscaping are desirable but would be supplemental to a landmark feature which would have enough height and presence to stand out to passing drivers and pedestrians. A fountain or artwork such as those put in front of Schnuck's at Clarkson and Kehrs Mill, Ballwin Grove at Henry and Clayton, U-Gas at Manchester and Seven Trails or perhaps what has been done in Ellisville and the Clarkson/Clayton and Clarkson/Manchester intersections.**

*Section 10 (7):* This subsection encourages the stacking of multiple uses in multi story buildings. This building actually meets this recommendation of this subsection and the plan.

#### **COMPREHENSIVE PLAN ISSUES:**

The recommendations of the comprehensive plan relative to Manchester Rd. Revitalization Overlay District Development are on pages 8:22 – 8:24. Basically, these sections of the plan spell out the form that the overlay district was to take when it was created. They are therefore essentially redundant with the review that has been done in this report.

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